IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 346 OF 2007

Gulabrao Baburao Karanjule ..Applicant
V/s
State of Maharashtra ..Respondent.

Mr. Shirish Gupte, Senior Advocate for the applicant

Mr.N.V. Nikam, APP for the State.

Mr.Niranjan Mundargi, Advocate for the original complainant.

CORAM : J.H. BHATIA, J.

DATE : 5TH FEBRUARY, 2007.

P.C.

. Heard Mr. Shirish Gupte, learned Senior Counsel for the applicant, Mr. Nikam, learned APP for the State and Mr. Niranjan Mundargi, learned Counsel for the original complainant. It appears that the complainant has preferred a Writ Petition No.2612/2006 seeking arrest of the present applicant for the offence punishable under section 302 Indian Penal Code, as a conspirator. That petition is listed for hearing before the Division Bench tomorrow i.e. 6.2.2007. It is also brought to my notice that in the same petition on 22nd December, 2006 Division Bench had directed to put the

matter after vacation and status quo was to be continued till then. As per affidavit filed by Mr. Raju A. Naik, Sr. Police Inspector of Ambarnath Police Station, in view of the operation of the said order the applicant could not be arrested. In that petition the Division Bench is to decide whether it is necessary to arrest the present applicant and naturally, for that purpose all the relevant facts will be taken into consideration by the Division Bench. In such circumstances, it will not be appropriate for this Court to grant anticipatory bail to the applicant. However, he may be given protection against his arrest till the Writ Petition No. 2612/2006 is decided by the Division Bench.

2. In view of the above circumstances, P.S.O. Ambarnath Police Station is hereby directed not to arrest the present applicant in Crime No. I-399 of 2006 till the decision of the Criminal Writ Petition No. 2612/206 by the Division Bench of this Court.

3. This application stands disposed off in terms of the above directions.

(J.H. BHATIA, J.)